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|------------------|-------------------|-------------------|-------------|
| Applicants: | Greenberg, et al. | Art Unit: | 3766 |
| Application No.: | 10/820,240 | Examiner: | J.L. Reidel |
| Filed: | April 6, 2004 | Confirmation No.: | 7467 |
| Docket No.: | S293-USA | | |
| Customer No.: | 28284 | | |

For: Retinal Prosthesis with Side Mounted Inductive Coil

Commissioner for Patents
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Alexandria VA 22313-1450

Certificate of Transmission

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On April 5, 2007.

Deanna L. Fintz

LETTER REGARDING RESPONSE TO NOTICE OF ALLOWABILITY

Dear Sir:

In response to the Notice of Allowability mailed January 16, 2007, Item 1, enclosed is a newly executed Declaration respectfully submitted. The Declaration is executed by all of the inventors:

Robert J. Greenberg
Da-Yu Chang
Rajat Agrawal
Brian V. Mech
Mark S. Humayun
James Singleton Little
Kevin Wilkin

Applicants submit that the enclosed declaration replaces the declaration filed October 16, 2006. The declaration filed October 16, 2006 was not signed by the inventors Rajat Agrawal and Mark S. Humayun, who signed the original Declaration filed April 6, 2004.

It has been found that the Declaration as filed on October 16, 2006, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this

Application No. 10/820,240

application has been corrected by submitting the appropriate Declaration. The application is now in compliance with 37 CFR 1.48(a).

Regarding Item 2 of the Notice of Allowability, Applicants agree with Examiner's amendment in claims 10, 15, 36, 41, 44 and 45.

The patent application is now in condition of issuance with claims 10, 15, 36, 41-42 and 44-45.

Respectfully submitted,

April 5, 2007

Date

Tomas Lendvai

Tomas Lendvai, Ph.D.

Reg. No. 57,488

Second Sight Medical Products, Inc.

12744 San Fernando Road, Building 3

Sylmar CA 91342

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DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number

S293-USA

First Named Inventor

Greenberg, et al.

COMPLETE IF KNOWN

Application Number

10/820,240

Filing Date

April 6, 2004

Art Unit

3766

Examiner Name

Jessica L. Reidel

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RETINAL PROSTHESIS WITH SIDE MOUNTED INDUCTIVE COIL

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) April 6, 2004 as United States Application Number or PCT International

Application Number 10/820,240 and was amended on (MM/DD/YYYY) 2/1/06; 4/19/06 & 11/6/06 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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Name

Address

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

A petition has been filed for this unsigned inventor

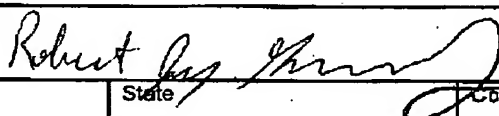
Given Name (first and middle (if any))

Family Name or Surname

Robert J.

Greenberg, M.D., Ph.D.

Inventor's Signature



Date

3/5/07

Residence: City

Los Angeles

State

California

Country

USA

Citizenship

US

Mailing Address

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City

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State

California

Zip

90068

Country

USA



Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

[Page 2 of 2]

PTO/SB/02A (07-08)

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DECLARATION**ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 2 of 2

| | | | |
|---|---------------------|---|-----------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Da-Yu | | Chang | |
| Inventor's Signature <i>Da-Yu Chang</i> | | Date 2007/03/06 | |
| Rowland Heights Residence: City | California State | USA Country | Taiwan Citizenship |
| 18559 E. Stonegate Lane | | | |
| Mailing Address | | | |
| Rowland Heights City | California State | 91748 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Rajat | | Agnewal | |
| Inventor's Signature | | Date | |
| Redlands Residence: City | California State | USA Country | India Citizenship |
| 77 Price Street, Unit D | | | |
| Mailing Address | | | |
| Redlands City | California State | 92373 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Brian V. | | Mech, Ph.D. | |
| Inventor's Signature | | Date | |
| Stevenson Ranch Residence: City | California State | USA Country | Canada Citizenship |
| 25061 Riverwalk Lane | | | |
| Mailing Address | | | |
| Stevenson Ranch City | California State | 91381 Zip | USA Country |

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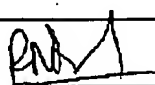
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DECLARATION**ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 2 of 2

| | | | |
|---|---------------------|---|-----------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Da-Yu | | Chang | |
| Inventor's Signature | | Date | |
| Rowland Heights Residence: City | California State | USA Country | Taiwan Citizenship |
| 18558 E. Stonegate Lane Mailing Address | | | |
| Rowland Heights City | California State | 91748 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Rajat | | Agrawal | |
| Inventor's Signature  | | Date 3/5/07 | |
| Redlands Residence: City | California State | USA Country | India Citizenship |
| 77 Price Street, Unit D Mailing Address | | | |
| Redlands City | California State | 92373 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Brian V. | | Mech, Ph.D. | |
| Inventor's Signature | | Date | |
| Stevenson Ranch Residence: City | California State | USA Country | Canada Citizenship |
| 25081 Riverwalk Lane Mailing Address | | | |
| Stevenson Ranch City | California State | 91381 Zip | USA Country |

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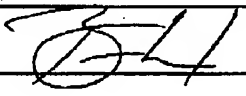
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Page 2 of 2

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| Inventor's Signature | | Date | |
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| Rajet | | Agrawal | |
| Inventor's Signature | | Date | |
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| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Brian V. | | Mech, Ph.D. | |
| Inventor's Signature  | | 2/28/07 Date | |
| Stevenson Ranch Residence: City | California State | USA Country | Canada Citizenship |
| 26081 Riverwalk Lane Mailing Address | | | |
| Stevenson Ranch City | California State | 91381 Zip | USA Country |

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| DECLARATION | ADDITIONAL INVENTOR(S) Supplemental Sheet |
| Page 1 of 3 | |

| | | | |
|--|---------------------|---|-------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Mark S. | | Humayun, M.D., Ph.D. | |
| Inventor's Signature | | Date 3/26/07 | |
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| 2757 Sleepy Hollow Place | | | |
| Mailing Address | | | |
| Glendale City | California State | 91206 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| James Singleton | | Little | |
| Inventor's Signature | | Date | |
| Saugus Residence: City | California State | USA Country | US Citizenship |
| 21574 Agapian Lane | | | |
| Mailing Address | | | |
| Saugus City | California State | 91350 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Kevin | | Wildn | |
| Inventor's Signature | | Date | |
| Valencia Residence: City | California State | USA Country | US Citizenship |
| 24600 Golfview Drive | | | |
| Mailing Address | | | |
| Valencia City | California State | 91355 Zip | USA Country |

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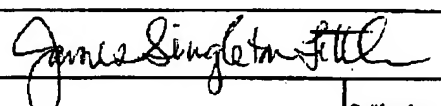
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| DECLARATION | ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>2</u> |
|--------------------|--|

| | | | |
|---|---------------------|---|-------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Mark S. | | Humayun, M.D., Ph.D. | |
| Inventor's Signature | | Date | |
| Glendale Residence: City | California State | USA Country | US Citizenship |
| 2757 Sleepy Hollow Place Mailing Address | | | |
| Glendale City | California State | 91206 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| James Singleton | | Little | |
| Inventor's Signature  | | 2-28-2007 Date | |
| Saugus Residence: City | California State | USA Country | US Citizenship |
| 21674 Agajanian Lane Mailing Address | | | |
| Saugus City | California State | 91350 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Kevin | | Wilkin | |
| Inventor's Signature | | Date | |
| Valencia Residence: City | California State | USA Country | US Citizenship |
| 24690 Golfview Drive Mailing Address | | | |
| Valencia City | California State | 91355 Zip | USA Country |

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DECLARATION**ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 1 of 2

| | | | |
|---|---------------------|---|-------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Mark S. | | Humayun, M.D., Ph.D. | |
| Inventor's Signature | | Date | |
| Glendale Residence: City | California State | USA Country | US Citizenship |
| 2757 Sleepy Hollow Place Mailing Address | | | |
| Glendale City | California State | 91205 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| James Singleton | | Little | |
| Inventor's Signature | | Date | |
| Saugus Residence: City | California State | USA Country | US Citizenship |
| 21674 Ageanjan Lane Mailing Address | | | |
| Saugus City | California State | 91350 Zip | USA Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Kevin | | Walkin | |
| Inventor's Signature | | Date 3-2-07 | |
| Valencia Residence: City | California State | USA Country | US Citizenship |
| 24890 Goldview Drive Mailing Address | | | |
| Valencia City | California State | 91355 Zip | USA Country |

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